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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,762	08/27/2001	Mark E. Pecen	CS99025RL	5766
20280	7590	01/27/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			NGUYEN, THUAN T	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1, 8, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Blonder et al. (U.S. Patent 5,708,422).

Regarding claims 1, 8, and 17, Blonder discloses a real-time and interactive communication system and its corresponding method in a (mobile wireless, for claims 8 and 17) communication application, comprising “transmitting a request from the communication to a communication server for a cost to conduct a communication transaction; receiving from the communication server, in response to the request, a cost offer for the transaction before the communication application conduct the transaction”, i.e., a user at a terminal point (Fig. 1/item 145 for a conventional phone), or at the communication application of a mobile wireless communication device (Fig. 1/item 135, a cellular phone or a personal computer, see col. 16/lines 15-22) can request for transactions and selects the applications based on the

Art Unit: 2685

costs/purchases provided by the vendors/sellers before the transaction takes place (refer to Fig. 10/steps 20-23 & 25-27 and col. 13/lines 1-22 as the amount of purchase or the cost to conduct a transaction is confirmed with the user before the transaction occurs).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 2-7, 9-16, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder (US Patent 5,708,422) as of claims 1, 8 and 17 in further view of Joao et al. (U.S. Patent No. 5,878,337).

For claim 2, Blonder does not goes further details on the transaction process for “receiving a cost offer including at least a communication service cost component” since Blonder focuses on the transaction authorization instead (refer to the summary); however, in the same filed of providing interactive goods and services to users, Joao further discloses the further steps of requesting, selecting, rejecting or accepting the (offer) cost of transactions before hand and the cost of components, an amount of information of the transaction, and subscription information associated with the application (col. 18/lines 45-56 for the cost of transaction and the cost of components or broken down components for the amount of transaction further includes supplement information such as the costs of goods and services as well as the time and location

Art Unit: 2685

for each transaction including components and limits for each transaction with user's information, see col. 16/lines 13-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify Blonder's system with Joao's further details on how to handle the transaction process in order to provide an enhanced communication system for providing details on transaction on an interactive basis.

As for claims 3-7, in further of claim 2 above, Joao further discloses the further steps of requesting, selecting, rejecting or accepting the (offer) cost of transactions before hand and the cost of components, an amount of information of the transaction, and subscription information associated with the application (col. 18/lines 45-56 for the cost of transaction and the cost of components or broken down components as **in claim 3** for the amount of transaction further includes supplement information such as the costs of goods and services as well as the time and location for each transaction including components and limits for each transaction with user's information, see col. 16/lines 13-35); then the steps of receiving the costs and the user charges his/her credits based on at least partly on the credit to the user of the communication application including a cost offer based partly on the credit to a user of the communication application for conducting the transaction with restrictions and limitations (col. 16/lines 13-35), through a authorization process whether to authorize or unauthorized the transactions (Figs. 9 & 9 (cont.) for **claim 6**). The entire process is conducted within a wireless communication network (see col. 3/line 60 to col. 4/line 56; col. 5/lines 3-39; col. 7/line 30 to col. 8/line 22 for transaction information including authorization, spending limits, types of transactions or a cost offer, types of goods and services or in other words, the quality of communications service, daily spending limits, and other limitations (as for **claim 4-5**); col. 8/line 60 to col. 9/line 53 for security issues;

Art Unit: 2685

and col. 11/lines 25-59 for Internet accesses as well as transactions in real-time). Joao further includes a server computer to handle the transactions between vendors and users interactively (Fig. 10/item 350; and col. 35/lines 19-59 for **claim 7**).

As for claims 9-16 and 18-23, these claims with same limitations are rejected for the reasons given in the scope of claims 2-7 with the disclosure and teaching of Joao as disclosed above (see Joao reference for further details & embodiments not limited to any type of any communication systems (col. 4/lines 32-41) and to any type of receiving either stationary or wireless/mobile apparatus (col. 5/lines 3-19) as well as offer the reliability of the wireless transaction cost to the wireless communication device by providing security measures per claim 23 (col. 11/line 65 to col. 12/line 15).

### ***Conclusion***

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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**or faxed to the New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

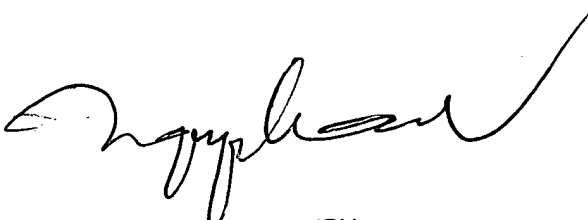
Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Art Unit: 2685

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN  
PATENT EXAMINER

Tony T. Nguyen  
Art Unit 2685  
January 20, 2006